

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201806737	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/04/2018 9:24 PM	Location of Incident: § 87(2)(b)	Precinct: 101	18 Mo. SOL 2/4/2020	EO SOL 2/4/2020	
Date/Time CV Reported Sun, 08/05/2018 11:07 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/16/2018 11:06 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM John Ramalho	22226	962709	101 PCT
2. POM Christopher Perez	12567	955315	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Perez	Abuse: Police Officer Christopher Perez entered § 87(2)(b) in Queens.	§ 87(2)(b)
B.POM John Ramalho	Abuse: Police Officer John Ramalho entered § 87(2)(b) in Queens.	§ 87(2)(b)
C.POM Christopher Perez	Abuse: Police Officer Christopher Perez forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POM John Ramalho	Abuse: Police Officer John Ramalho forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

### Case Summary

On August 5, 2018, § 87(2)(b) filed this complaint with the NYPD's Internal Affairs Bureau on behalf of § 87(2)(b) generating the original log number § 87(2)(g). § 87(2)(b) did not witness the incident. On August 5, 2018, § 87(2)(b) filed a duplicate complaint with 311, generating 311 Service Request number § 87(2)(b). § 87(2)(b)'s 311 complaint was subsequently forwarded to IAB, generating a second log under the original log number § 87(2)(g). On August 16, 2018, IAB forwarded the initial log to the CCRB.

On August 4, 2018 at approximately 9:24 p.m., Police Officer Christopher Perez and Police Officer John Ramalho, both of the 101<sup>st</sup> Precinct, responded to § 87(2)(b)'s apartment at § 87(2)(b) in Queens. § 87(2)(b) a security guard at the building, had called 911 and reported that § 87(2)(b) threatened to retrieve a knife during a verbal dispute. PO Perez and PO Ramalho entered § 87(2)(b)'s apartment (**Allegations A and B: Abuse of Authority**, § 87(2)(g) PO Perez and PO Ramalho handcuffed § 87(2)(b) and requested an ambulance, which transported § 87(2)(b) to a hospital for psychiatric evaluation (**Allegations C and D: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain any video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Christopher Perez entered § 87(2)(b) in Queens.**

**Allegation (B) Abuse of Authority: Police Officer John Ramalho entered § 87(2)(b) in Queens.**

§ 87(2)(b) testified that she engaged in a verbal argument with a building security guard with whom she had an ongoing dispute (Board Review 01). § 87(2)(b) denied threatening to retrieve a knife during this argument. § 87(2)(b) then returned to her apartment. Approximately five to ten minutes later, while speaking on the phone with a friend, § 87(2)(b) opened her apartment door in order to take out a bag of rubbish. PO Perez and PO Ramalho, who had been standing in the hallway, immediately stepped into § 87(2)(b)'s apartment.

§ 87(2)(b) prepared an incident report noting that § 87(2)(b) became unreasonably upset in the lobby, said she would retrieve a knife, and threatened to attack the security staff (Board Review 02). § 87(2)(b) did not cooperate with the investigation.

PO Perez testified that he had interacted with § 87(2)(b) on several occasions prior to this incident, and had assessed her to be "emotionally disturbed" because she was unduly bothered by children playing and mumbled at a rapid pace (Board Review 03). PO Perez did not recall if he knew § 87(2)(b) to have made threats or been violent, and he did not know if she had ever been hospitalized for psychiatric reasons. Upon arriving on scene, PO Perez and PO Ramalho spoke to a building security guard, who stated that § 87(2)(b) had been yelling and had threatened to retrieve a knife. The officers knocked on the door of § 87(2)(b)'s apartment. § 87(2)(b) opened the door, and the officers engaged her in a brief conversation. § 87(2)(b) was perspiring, mumbling, and speaking incomprehensibly. The officers asked § 87(2)(b) if they could "check" on her, and § 87(2)(b) immediately turned

and ran in the direction of her kitchen. Because the security guard had reported that § 87(2)(b) had earlier threatened to retrieve a knife, in conjunction with the fact that § 87(2)(b) was approaching her kitchen, PO Perez assessed that there was a risk of § 87(2)(b) retrieving a knife and causing harm to herself or others. PO Perez entered § 87(2)(b)'s apartment and grabbed hold of her.

PO Ramalho testified that he had interacted with § 87(2)(b) on several occasions prior to this incident (Board Review 04). PO Ramalho knew § 87(2)(b) to yell at building security guards and to have been prescribed psychiatric medication. PO Ramalho had also been informed by other officers that § 87(2)(b) had previously been hospitalized. PO Ramalho did not recall if § 87(2)(b) had been violent or had made threats of violence in the past. Upon arriving at the scene, the officers spoke to a building security guard, who informed them that § 87(2)(b) had earlier yelled at him and had threatened to retrieve a knife. Based on his knowledge of § 87(2)(b)'s psychiatric history, as well as her reported threat to retrieve a knife, PO Ramalho assessed that § 87(2)(b) may have posed a risk to herself or others. The officers knocked on the door of § 87(2)(b)'s apartment. § 87(2)(b) opened the door, and the officers engaged her in a brief conversation. § 87(2)(b) was perspiring heavily and yelling incoherently. § 87(2)(b) turned and ran in the direction of her kitchen. Because the security guard had reported that § 87(2)(b) had earlier threatened to retrieve a knife, in conjunction with the fact that § 87(2)(b) was approaching her kitchen, PO Ramalho assessed that there was a risk of § 87(2)(b) retrieving a knife. PO Ramalho entered § 87(2)(b)'s apartment and grabbed hold of her.

The 911 Event associated with this incident is consistent with the officers' statements that § 87(2)(b) reportedly threatened to retrieve a knife and that a security guard spoke to the officers upon their arrival at the building (Board Review 05). PO Perez and PO Ramalho prepared an Aided report and two Threat, Resistance, or Injury Reports (Board Review 06-08). These reports identify § 87(2)(b) as being "emotionally disturbed," but do not further describe her behavior or actions.

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Police Officer Christopher Perez forcibly removed § 87(2)(b) to the hospital.**

**Allegation (D) Abuse of Authority: Police Officer John Ramalho forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) testified that she sat on her sofa after the officers entered the apartment. The officers examined a bottle of prescription medication on § 87(2)(b)'s kitchen table and asked her name and date of birth (which she provided), her telephone number (which she did not provide), and the state in which she resided (she replied, "The United States"). § 87(2)(b) further informed the officers that she received a monthly injection of Haldol. PO

Ramalho handcuffed § 87(2)(b) and PO Perez summoned an ambulance. The officers escorted § 87(2)(b) downstairs to the ambulance, which transported her to a hospital, where she was examined in the psychiatric department.

EMT § 87(2)(b) stated that the officers escorted § 87(2)(b) to the ambulance as soon as the ambulance arrived on scene (Board Review 09). The officers told EMT § 87(2)(b) that § 87(2)(b) was “off her meds” and needed to be hospitalized. § 87(2)(b) was calm and cooperative, but gave some indication that she had not taken her prescribed medication.

§ 87(2)(b)'s Ambulance Call Report indicates that § 87(2)(b) was crying upon the EMTs' arrival, but does not otherwise describe her behavior. § 87(2)(b)'s medical records from § 87(2)(b) indicate that she was agitated, anxious, disheveled, and crying when she arrived at the hospital, but that she was not displaying “acute psychiatric symptoms” (see Privileged Documents).

PO Perez testified that he and PO Ramalho handcuffed § 87(2)(b) in order to prevent her from injuring herself or someone else. The officers then requested an ambulance to respond to the scene. PO Perez requested an ambulance because he knew § 87(2)(b) to have a history of being emotionally disturbed and because of her behavior during the incident. After requesting the ambulance, the officers questioned § 87(2)(b) including about her prescription medication.

PO Ramalho testified that he decided to request an ambulance upon first interacting with § 87(2)(b) because it is protocol to request an ambulance to evaluate someone who is emotionally disturbed. After entering § 87(2)(b)'s apartment, PO Ramalho and PO Perez handcuffed § 87(2)(b) because it is protocol to handcuff someone who is emotionally disturbed, as well as because § 87(2)(b) had posed a safety threat in approaching her kitchen. PO Ramalho did not recall if the officers asked § 87(2)(b) any questions to gauge her mental condition, but stated that, at some point, § 87(2)(b) stated that she had medication on her counter. EMTs subsequently arrived on the scene and escorted § 87(2)(b) to the ambulance.

§ 87(2)(g)

§ 87(2)(g)

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**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- § 87(2)(b) has been a party to one CCRB complaint and has been named a victim in two allegations (Board Review 11).
  - § 87(2)(b)
- PO Perez has been a member of the NYPD for five years and has been a subject in three additional CCRB complaints and three allegations, none of which was substantiated. § 87(2)(g)
- PO Ramalho has been a member of the NYPD for two years and has been a subject in one additional CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of December 3, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date